



Attorney Docket No. 1344.1129

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:

Akira MIURA, et al.

Application No.: 10/723,437

Group Art Unit: TBA

Filed: November 26, 2003

Examiner: TBA

For: WAVELENGTH ALLOCATION METHOD OF SIGNAL LIGHT, AND OPTICAL TRANSMISSION APPARATUS AND WAVELENGTH DIVISION MULTIPLEXING OPTICAL TRANSMISSION SYSTEM USING THE METHOD

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☒ Copies of IDS citations.
- 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or a PCT International Search Report.
- 1d. ☐ English language translation (complete or relevant portion(s)) attached to each non-English language publication.
- 1e. ☒ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of each non-English publication.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g. ☐ List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2. ☒ This Information Disclosure Statement is filed under 37 CFR §1.97(b):

*(Check either Item 2a or 2b or 2c or 2d)*

- 2a. ☐ Within three months of the filing date of a national application other than a Continued Prosecution Application under § 1.53(d);
- 2b. ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- 2c. ☒ Before the mailing of a first Office Action on the merits; or
- 2d. ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.

3. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND

*(Check either Item 3a or 3b; Item 3b to be checked if any reference known for more than 3 months)*

- 3a. ☐ The §1.97(e) Statement in Item 5 below is applicable; OR  
 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:  
☐ enclosed.  
☐ to be charged to Deposit Account No. 19-3935.

4. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(d) after the period specified in paragraph 3 above, but on or before payment of the Issue Fee, AND

- 4a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; AND  
 4b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:  
☐ enclosed.  
☐ to be charged to Deposit Account No. 19-3935.

5. ☐ Statement under § 1.97(e) (*applicable if Item 3a or Item 4a is checked*)  
*(Check either Item 5a or 5b)*

- 5a. ☐ In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.  
 5b. ☐ In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☐ This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).

*(Check appropriate Items 6a and/or 6b)*

- 6a. ☐ Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No. \_\_\_, filed on \_\_\_, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR § 1.98(d).  
 6b. ☐ Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. \_\_\_, filed on \_\_\_, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.

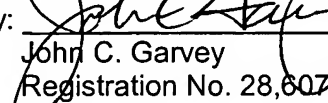
7. ☐ This is a continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114.  
(Check either Item 7a or 7b)
- 7a. ☐ The Issue Fee has not been paid.
- 7b. ☐ A Petition to Withdraw from issue under 37 CFR § 1.313(c) is filed concurrently herewith or has been granted. A continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114, after payment of the Issue Fee, is proper in accordance with 37 CFR § 1.53(d)(1)(ii) or 37 CFR 1.114(a), respectively.
8. ☐ This is a Supplemental Information Disclosure Statement.  
(Check either Item 8a or 8b)
- 8a. ☐ This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on \_\_\_\_\_. A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on \_\_\_\_\_.
- 8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR § 1.97 and 1.98, mailed \_\_\_\_\_.
9. ☒ In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:  
(Check appropriate Items 9a, 9b, 9c and/or 9d)
- 9a. ☐ satisfied because all non-English language publications were cited on the enclosed "English language version of the search report or action which indicates the degree of relevance found by the foreign office". (See MPEP § 609, Minimum Requirements for an Information Disclosure Statement, Part A(3): Concise Explanation of Relevance, 8th Ed.)
- 9b. ☐ set forth in the application.
- 9c. ☐ satisfied because an English language translation (complete or relevant portion(s)) is attached to each non-English language publication.
- 9d. ☒ enclosed as Attachment 1(e), hereto.
10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

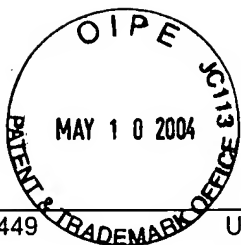
11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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Sheet 1 of 1

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO. 1344.1129	APPLICATION NO. 10/723,437
<b>LIST OF REFERENCES CITED BY APPLICANT</b>  <i>(Use several sheets if necessary)</i>		FIRST NAMED INVENTOR Akira MIURA, et al.	
		FILING DATE November 26, 2003	GROUP ART UNIT TBA

### U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	2002/0105715 A1	08/08/02	Naito et al.			
	AB	2002/0114061 A1	08/22/02	Naito et al.			
	AC	2003/0011874 A1	01/16/03	Nakamoto et al.			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO	
	AD	2002-229084		Japan (corresponds to US 2002/0105715 A1)				xx
	AE	2002-196379		Japan (corresponds to US 2002/0114061 A1)				xx
	AF	2003-32193		Japan (corresponds to US 2003/0011874 A1)				xx

### OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

							TRANSLATION YES NO	
	AH	F. Forghieri, et al., "Reduction Of Four-Wave Mixing Crosstalk In WDM Systems Using Unequally Spaced Channels," IEEE Photon, Technol. Lett., Vol. 6, pp. 754-756, June 1994					xx	
	AI	I Haxell, et al., "52x12.3 Gbit/s DWDM Transmission Over 3600km of True Wave Fiber With 100km amplifier Spans," PD5, OAA 2000					xx	
	AJ	Xiang-Dong Cao, et al., " Ultra Long-haul DWDM Transmission Via Nonlinearity Management," OtuC5, pp. 140-142, OAA 1999					xx	
	AK	Bergano, et al., "320Gb/s WDM Transmission (64x5Gb/s) over 7,200km Using Large Mode Fiber Spans and Chirped Returned-to-Zero Signals," OFC'98, postdeadline papers PD12, San Jose, USA, Feb. 1998					xx	

EXAMINER	DATE CONSIDERED
<b>*EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

**ATTACHMENT 1(e)**

<b>EXPLANATIONS OF RELEVANCY OF REFERENCES</b>	ATTORNEY DOCKET NO.	APPLICATION NO.
	1344.1129	10/723,437
	FIRST NAMED INVENTOR	
	Akira MIURA, et al.	
	FILING DATE	GROUP ART UNIT
	November 26, 2003	TBA

Inventor, Patent Number, Country Author, Title, Name of Document	Issue date	Concise Explanation of the Relevance (indication of page, column, line, figure of the relevant portion)
1. F. Forghieri, R. W. et al. "Reduction of four-wave mixing crosstalk in WDM systems using unequally spaced channels," IEEE Photon. Technol. Lett., vol. 6, pp. 754-756	June 1994	Background
2. 1. Haxell et al. "52x12.3Gbit/s DWDM transmission over 3600km of True Wave fiber with 100km amplifier spans," PD5,OAA 2000.	2000	Background
3. Xiang-Dong Cao et al. "Ultra long-haul DWDM transmission via nonlinearity management," OtuC5, pp.140-142,OAA 1999.	1999	Background
4. Neal S. Bergano et al., "320Gb/s WDM Transmission (64x5Gb/s) over 7,200km using Large Mode Fiber Spans and Chirped Return-to-Zero Signals," OFC'98, postdeadline papers PD12, San Jose, USA, Feb 1998.	1998	Background
5. Japanese Unexamined Patent Publication No. 2002-229084	2002	Background
6. Japanese Unexamined Patent Publication No. 2002-196379	2002	Background
7. Japanese Unexamined Patent Publication No. 2003-32193	2003	Background